

AMENDMENTS TO THE DRAWINGS

Proposed drawing changes are shown on the attached annotated marked up drawing and are incorporated within an attached proposed replacement sheets of drawings.

Attachment: Replacement Sheet(s)
Annotated Sheet Showing Changes

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

Initially, the Examiner's attention is drawn to the applicant's Information Disclosure Statement filed March 6, 2006. A copy of this Information Disclosure Statement is attached together with a copy of the USPTO postcard receipt verifying filing of same.

Since this Information Disclosure Statement is not mentioned in the outstanding Office Action (even though it merely provides a listing of prior art identified in the International Search Report, a copy of which is acknowledged in the USPTO Notice of Acceptance mailed 05/17/2006), attention is specifically drawn to this earlier filing with a renewed request that these references be specifically considered and officially cited and made "of record" so that they will appear on the face of any issued patent from this application.

The entire application has been reviewed and amended above so as to put it into more traditional US format. In addition, new claims 23-45 have been added. These new claims are similar to those now of record in a corresponding EPO counterpart of this application where EP 0 463,749 A (also cited in the International Search Report) has been relied upon with respect to the original claims.

The rejection of claims 1-22 under 35 U.S.C. §102 as allegedly anticipated by Fasnacht '298 is respectfully traversed.

As the Examiner has recognized, applicant's independent claim 1 requires the creation of a "continuous" tubular path. While the Examiner alleges that Fasnacht teaches an arrangement wherein one can selectively create a continuous path arbitrarily between two points, it is respectfully submitted that this allegation is clearly erroneous.

Claim 1 defines a flexibility suite which allows for optical tubes to be interconnected between the two patching panels, thus allowing for an optical fibre to be installed by a flowing method. Thus, a continuous, i.e., unbroken length of optical fibre (see, e.g., page 10, lines 16 to 18) will, after installation extend through the flexibility suite.

In the cabinet or pedestal of Fasnacht, on the other hand it is quite clear that the optical fibres are not a single unbroken length due to the presence of the central splicing region (28) – see page 5, lines 18 to 23, and e.g., Figure 2. In Figure 3, referred to by the Examiner, it is possible to clearly see how an optical fibre (52) is broken out of its routing tube (36) and spliced to another fibre on a splice tray (26). This is described also on page 5, line 33 to page 6, line 30. Thus, there is in Fasnacht no anticipation or suggestion of a continuous tubular path being created between the two patching panels.

Independent claim similarly requires a continuous tubular pathway – and independent method claims 17 and 18 also require the creation of a continuous tubular pathway.

Accordingly, Fasnacht cannot possibly anticipate applicant's claims and it is unnecessary to detail the additional deficiencies of this reference with respect to the rejected claims (including both independent and dependent claims).

The rejection of claims 7 and 8 under 35 U.S.C. §103 as allegedly being made "obvious" based on Fasnacht in view of Barker '703 is also respectfully traversed.

In view of the above described fundamental deficiencies of Fasnacht with respect to parent claim 1, it is not believed necessary to discuss the additional deficiencies of this allegedly "obvious" combination with respect to dependent claims 7 and 8.

New independent claims 23, 33, 41 and 42 also require a continuous tubular pathway to be created. Accordingly, these claims are also believed to be clearly and patentably distinct over the cited prior art.


Since this application is now believed to be in allowable condition, a formal Notice to that effect is respectfully solicited.

BARKER et al
Appl. No. 10/550,794
December 11, 2006

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:

A handwritten signature in cursive script, reading "Larry S. Nixon", written over a horizontal line.

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ANNOTATED MARKED UP DRAWINGS
FOR SN 10/550,794

Fig.8A

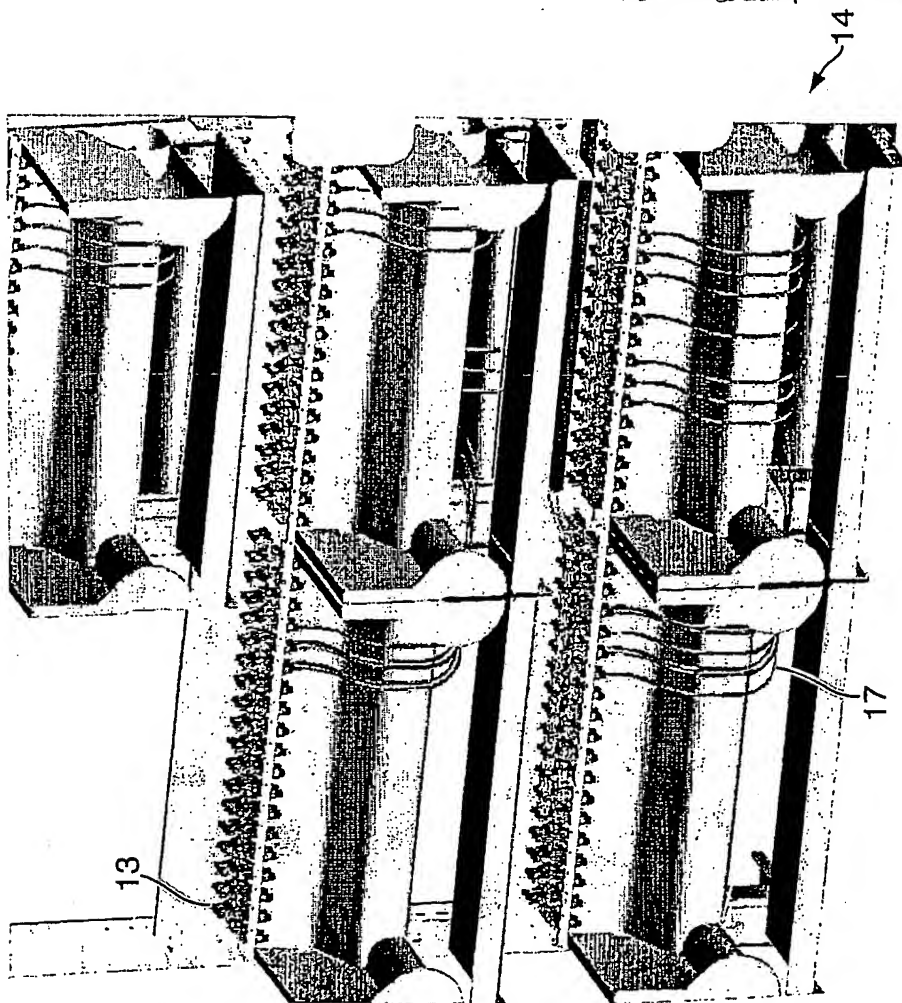
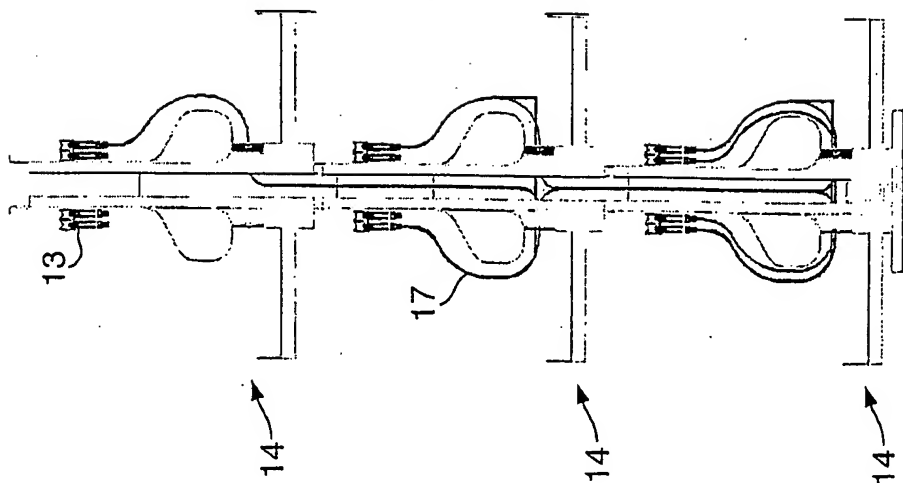


FIG 8B



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Fig 9B

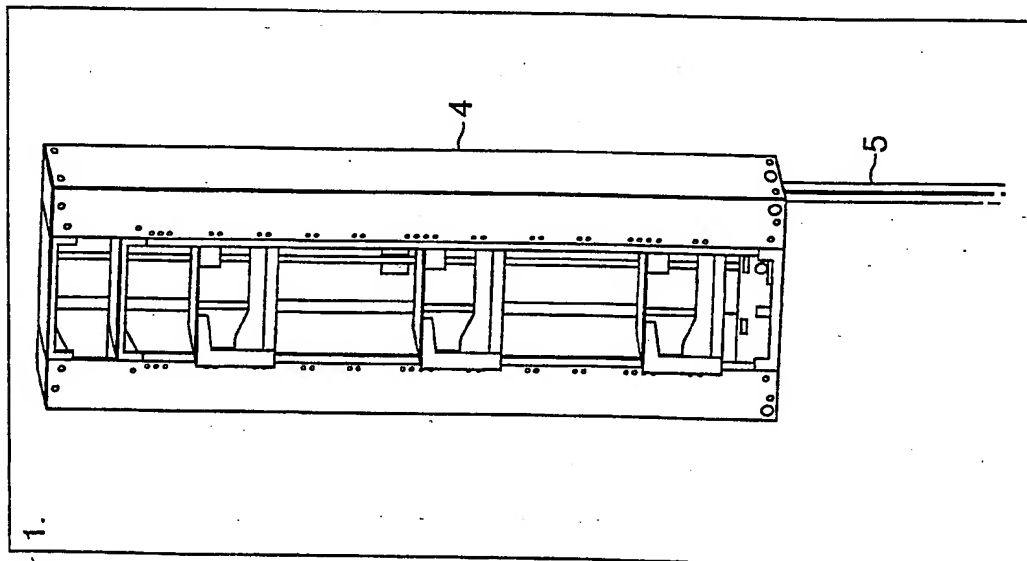
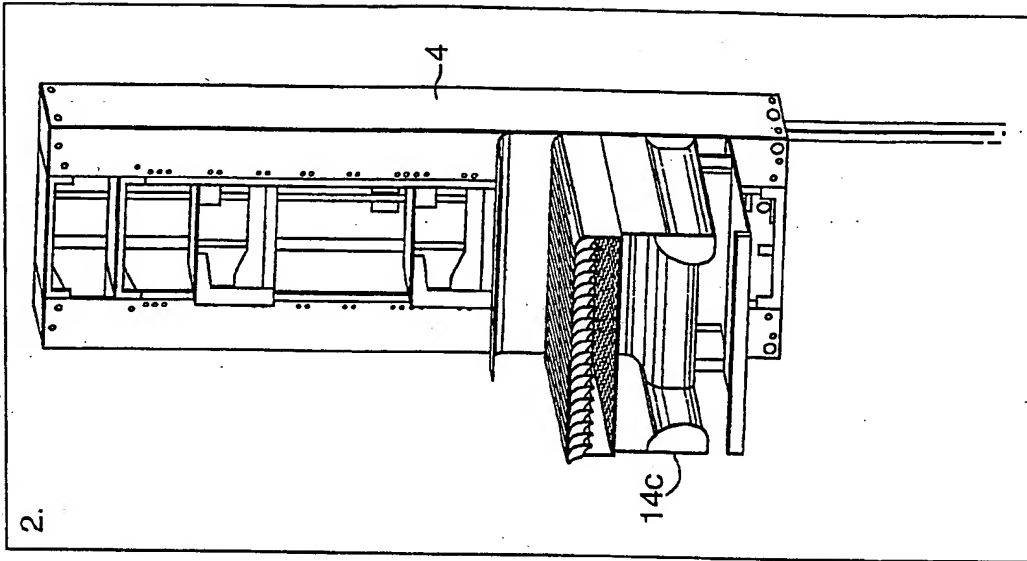
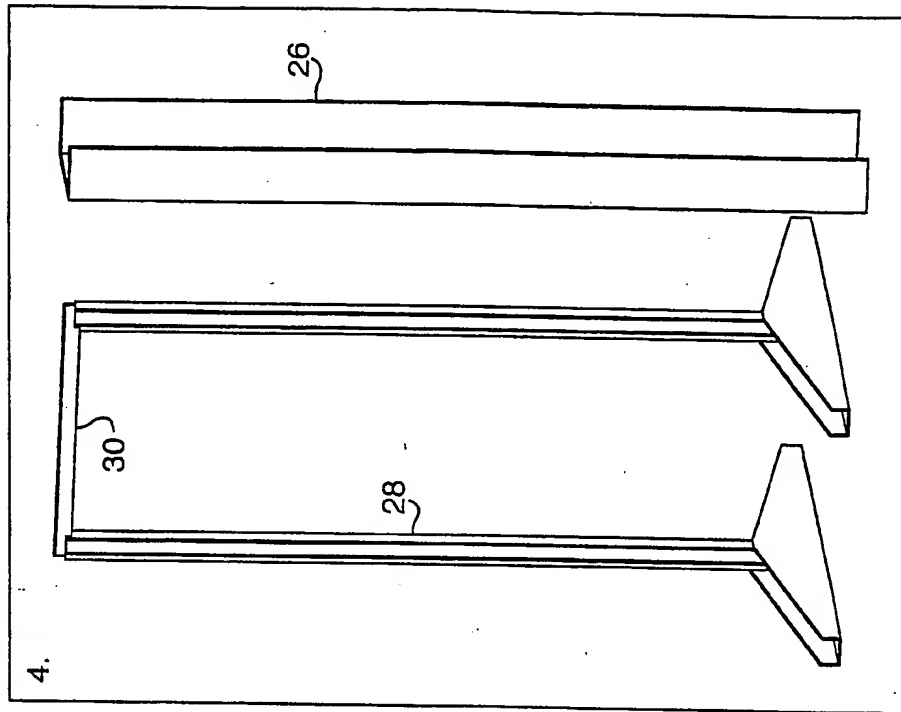
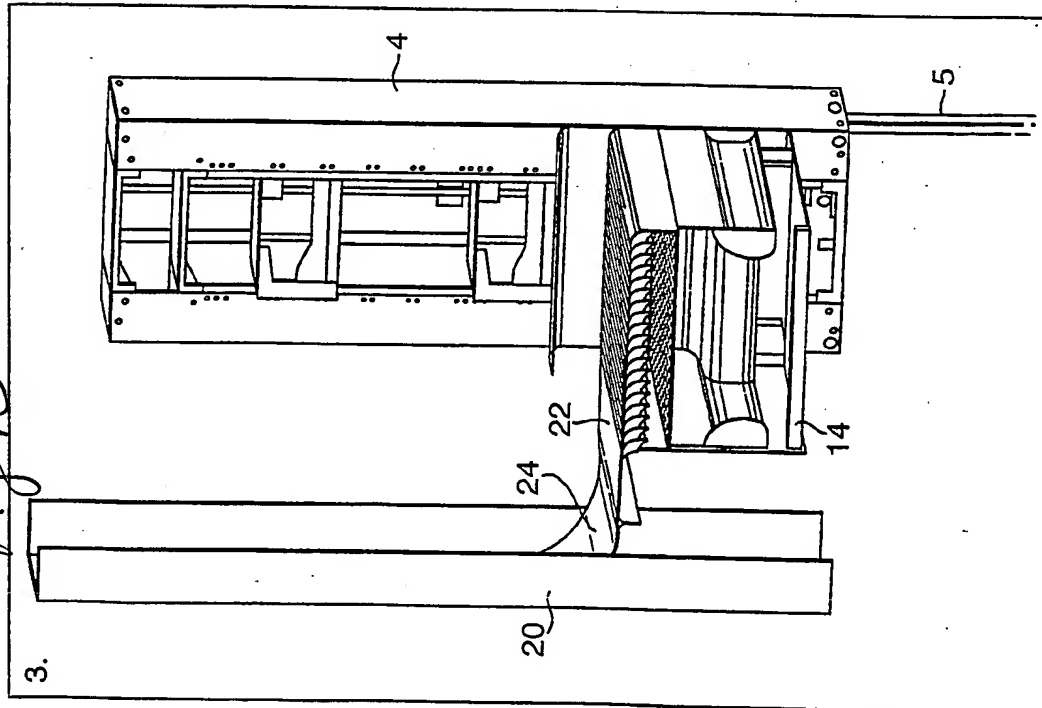


Fig. 9A 1.

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Fig. 9 (Cont.)

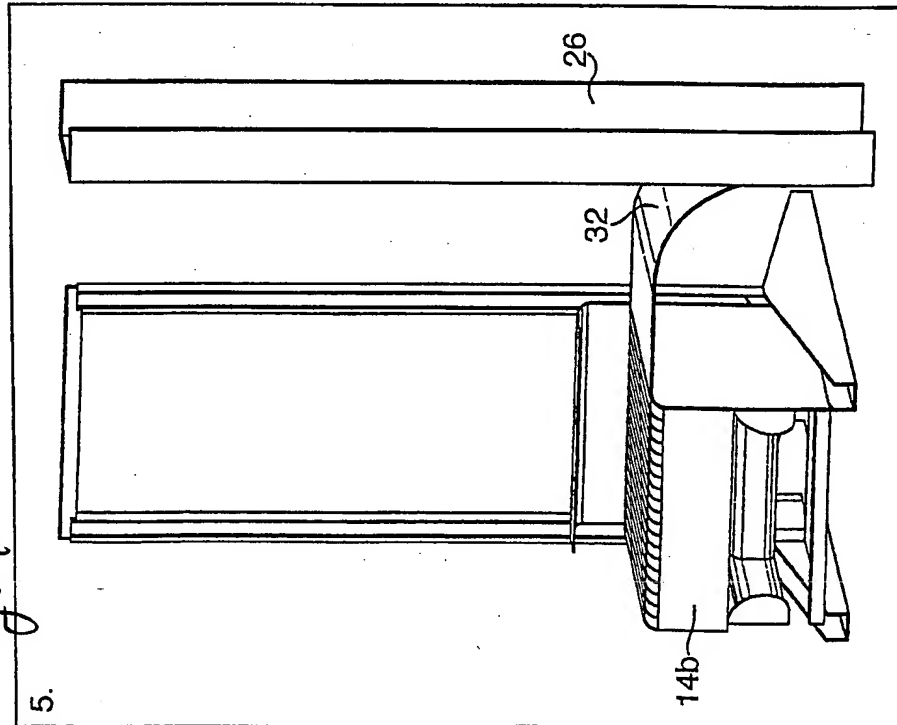
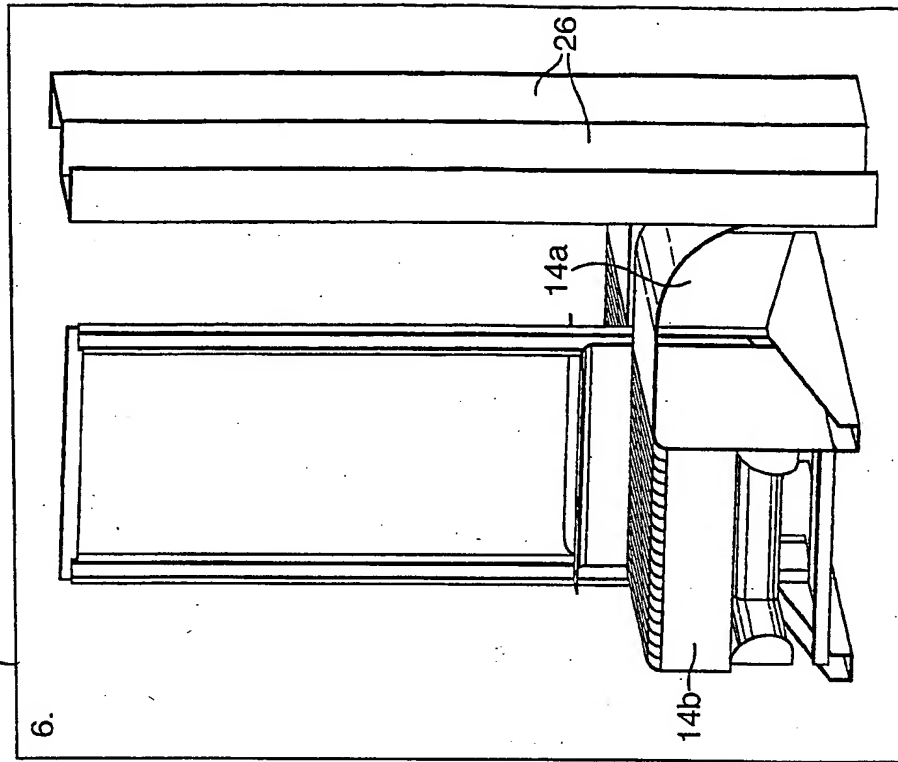


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Fig. 9E (cont'd).

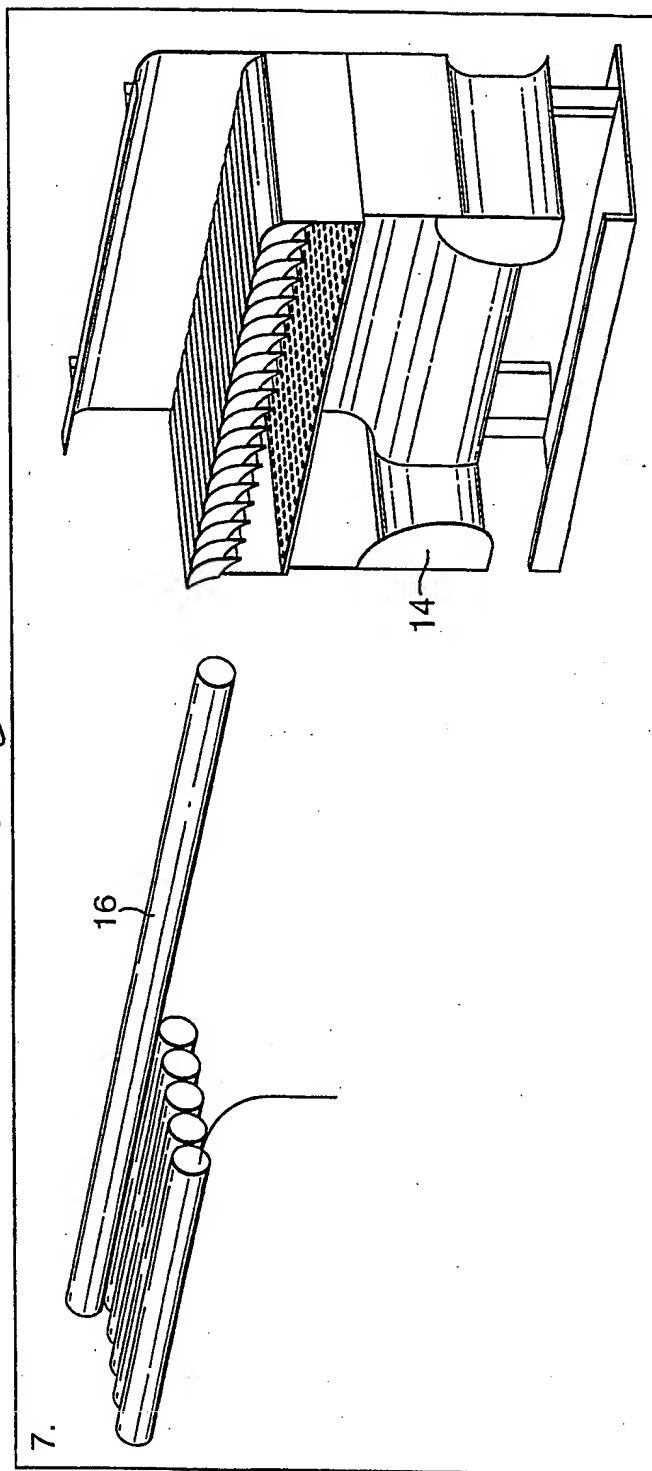
Fig. 9F



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Fig. 9 (Cont III)



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I
Fig. 9 (Cont III)

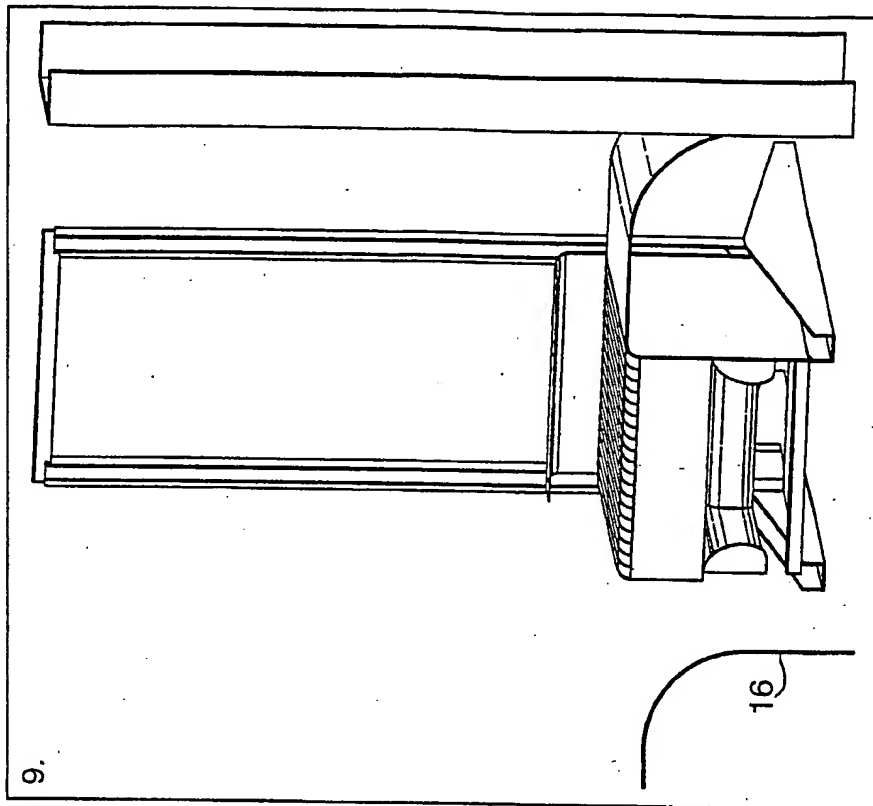


Fig. 9A

